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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

**EXOTIC TROPICAL PET WORLD****Plaintiff,****V.****TRAVELERS CASUALTY INSURANCE  
COMPANY OF AMERICA****Defendant**

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**Civil Action No. 7:19-cv-182**

**DEFENDANT TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA'S  
NOTICE OF REMOVAL**

Defendant TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA, (“Travelers” or “Defendant”), files its Notice of Removal of this action from the 332nd Judicial District Court, Hidalgo County, Texas to the United States District Court for the Southern District of Texas, McAllen Division, the Court for the District and Division encompassing the place where the lawsuit is currently pending. In support of this removal, Defendant relies upon the Appendix Filed in Support of Defendant’s Notice of Removal filed contemporaneously herewith and shows the following:

**I.  
INTRODUCTION**

1. On May 10, 2019, Plaintiff Exotic Tropical Pet World filed its original petition in the 332nd Judicial District Court, Hidalgo County, Texas captioned *Exotic Tropical Pet World v. Travelers Casualty Insurance Company of America*, Cause Number C-2098-19-F (the “State Court Action”).

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2. Citation for the State Court Action was issued on May 10, 2019 and served by personal service to Defendant Travelers on May 13, 2019.

## II. BASIS FOR REMOVAL

3. This Court has original jurisdiction over this State Court Action, pursuant to 28 U.S.C. §1332(a), because it is a civil action between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

4. The Plaintiff seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00. *See* Exhibit A-1 at paragraph 5. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000.00, exclusive of interest and costs.

5. Plaintiff was at the time of the filing of this action, has been at all times since, and still is Limited Liability Company organized to do business in Texas. *Id.* at paragraph 2. For diversity purposes, the citizenship of a LLC is determined by the citizenship of all of its members. *See Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc.*, 435 F.3d 51 (1st Cir. 2006); *Handelsman v. Bedford Village Assocs. Ltd. P'ship*, 213 F.3d 48 (2nd Cir. 2000); *Gen. Tech. Applications, Inc. v. Exro Ltda*, 388 F.3d 114 (4th Cir. 2004); *Homfeld II, L.L.C. v. Comair Holdings, Inc.*, 53 Fed.Appx. 731 (6th Cir. 2002); *Wise v. Wachovia Securities, LLC*, 450 F.3d 265 (7th Cir. 2006); *GMAC Commer. Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827 (8th Cir. 2004); *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894 (9th Cir. 2006); *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020 (11th Cir. 2004). After extensive research, it appears that Plaintiff Exotic Tropical Pet World has one member, Marlen Lopez who is located at 19510 Cisco Court, Glen Flora, Texas 77443. *See Exhibit B*. Therefore, because the sole member of Plaintiff Exotic Tropical Pet World is a Texas resident, Plaintiff Exotic Tropical Pet

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World is a Texas Citizen and has been at all times relevant to this suit, including the date of filing and the date of removal.

6. Defendant Travelers Casualty Insurance Company of America at the time of the filing of this action, at the time of this removal, at all relevant times since and is currently, a citizen of the State of Connecticut because it is a Connecticut corporation with its principal place of business in the State of Connecticut.

7. Because the amount in controversy exceeds \$75,000.00 and Plaintiff is a citizen of Texas while Defendant is a citizen of Connecticut, this Court has original jurisdiction over the present action pursuant to 28 USC §1332. Therefore, removal is proper.

8. This action may be removed to this Court pursuant to 28 USC §1441(a), which allows for the removal of any civil action brought in the state court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the District Court of the United States for the district and division embracing the place where such action is pending.

9. This Notice of Removal is filed within thirty (30) days after service (on May 13, 2019) by Defendant of the State Court Action. This Notice of Removal is also been filed within one year of the filing of Plaintiffs' Original Petition by which the State Court Action was commenced. This Notice, therefore, if timely filed pursuant to 28 USC §1446 (b).

### **III. PROCEDURAL REQUIREMENTS**

10. In accordance with 28 USC section 1446 (D), Defendant will promptly give written notice of this Notice of Removal to Plaintiffs through counsel of record and file a copy of this Notice of Removal in the 332nd Judicial District Court, Hidalgo County, Texas.

11. Defendant reserves the right to amend or supplement this Notice of Removal.

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12. The following are included in the Appendix filed contemporaneously with this Notice of Removal:

- (a) an index of all documents that clearly identifies each document and indicates the date the document was filed in the State Court Action;
- (b) a copy of the docket sheet in the State Court Action;
- (c) a copy of each document filed in the State Court Action, except discovery material, arranged in chronological order according to the state court filing date; and
- (d) a separately filed Supplement to JS 44 Civil Cover Sheet for Cases Removed from State District Court.

For the above reasons, Defendant gives notice of the removal of the State Court Action to this Court and respectfully request that this action proceed before this Court as though it had originally been instituted in this Court.

Dated: May 30, 2019

Respectfully submitted,

ADAMI, SHUFFIELD, SCHEIHING  
& BURNS, P.C.

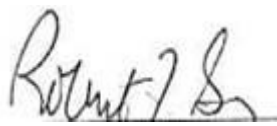
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State Bar No. 17736350

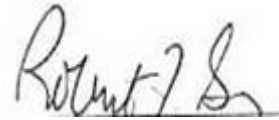
**ATTORNEY FOR DEFENDANT**

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to the following counsel of record in compliance with the Federal Rules of Civil Procedure this 30th day of May, 2019:

Wayne D. Collins  
BARTON LAW FIRM  
1201 Shepherd Drive  
Houston, Tx 77007-5429  
[wcollins@bartonlawgroup.com](mailto:wcollins@bartonlawgroup.com)

A handwritten signature in black ink, appearing to read "Robert F. Scheihing", is written over a horizontal line.

ROBERT F. SCHEIHING